

Senate File 449 - Enrolled

Senate File 449

AN ACT

RELATING TO THE INSTALLATION OF CATTLE GUARDS BY LANDOWNERS
ALONG CERTAIN STREETS OR HIGHWAYS, AND INCLUDING EFFECTIVE
DATE PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 314.30 Cattle guards.

Notwithstanding chapter 169C or 318, or any other provision
of law to the contrary:

1. A landowner may install a cattle guard on a street or
highway if all of the following apply:

a. The street or highway is classified as area service "B"
or area service "C" as described in section 309.57.

b. The street or highway terminates in a dead end, is
completely or partially located in a flood plain, serves no
residence, and exits to a secondary road.

c. The landowner owns the property on both sides of the
street or highway.

d. The effective purpose of restraining livestock using a
fence along the street or highway is continually impaired by
flooding or other natural forces.

e. Flooding or other natural forces have and will, with
a reasonable probability, continue to create liability for
the landowner and risk of injury to the public from livestock
straying on to the secondary road to which the street or
highway exits.

2. A cattle guard installed pursuant to this section shall be installed on the street or highway at the landowner's expense at a distance of not less than sixty-six feet from the secondary road to which the street or highway exits.

3. After a landowner installs a cattle guard pursuant to this section, the landowner and each successive landowner shall not be required to install or maintain a fence along the street or highway between the point at which the cattle guard is installed and the point at which the street or highway terminates in a dead end. All of the following shall apply to a landowner who is not required to install or maintain a fence along the street or highway pursuant to this subsection:

a. The landowner shall not be liable to a local authority as provided in section 169C.4, subsection 1, paragraph "c", for livestock straying on to the street or highway.

b. A local authority shall not take custody of the landowner's livestock on the street or highway as provided in section 169C.2.

c. The landowner shall not be subject to section 169C.6 for livestock straying on to the street or highway.

4. a. A landowner who installs a cattle guard pursuant to this section and each successive landowner shall be liable for injury to any person, for damage to any vehicle or equipment, and for damage to the contents of any vehicle or equipment, which occurs proximately as a result of the construction, installation, or maintenance of the cattle guard or as a result of livestock straying on to the street or highway between the point at which the cattle guard is installed and the point at which the street or highway terminates in a dead end.

b. Upon the installation of a cattle guard pursuant to this section, and before July 1 of each year thereafter, the landowner who installed the cattle guard or a successive landowner shall submit to the appropriate county office of the county having jurisdiction over the street or highway on which the cattle guard is installed, as designated by the county, proof of liability coverage in effect for the following one-year period which covers any injury or loss arising from the landowner's liability as set forth in paragraph "a".

c. This section shall not be construed to alter, limit, or

nullify the maintenance requirements assigned to a county, and a county's liability relating to such maintenance requirements, pursuant to section 309.57 for the street or highway on which the cattle guard is installed.

5. As used in this section:

a. "Cattle guard" means a structure consisting of parallel bars placed over a shallow ditch that allows motor vehicles to pass over the ditch, but prevents cattle and other livestock from passing over the ditch.

b. "Fence" means as defined in section 169C.1.

c. "Landowner" means as defined in section 169C.1.

d. "Local authority" means as defined in section 169C.1.

e. "Secondary road" means as defined in section 306.3.

Sec. 2. Section 321.285, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. Notwithstanding any other speed restrictions, the speed limit for all vehicular traffic on a street or highway on which a cattle guard is installed pursuant to section 314.30 is fifteen miles per hour between the point at which the cattle guard is installed and the point at which the street or highway terminates in a dead end.

Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

CHARLES SCHNEIDER
President of the Senate

LINDA UPMEYER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 449, Eighty-seventh General Assembly.

W. CHARLES SMITHSON
Secretary of the Senate

Approved _____, 2018

KIM REYNOLDS
Governor